APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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KED & ASSOCIATES, LLP
P.O. Box 221200
Chantilly, VA 20153-1200

EXAMINER
HERRERA, DIEGO D

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 December 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-38</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-38</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/26/2007 has been entered.

Response to Amendment

Claims 2, 4, 8, 11-12, 14, 20, 22-28, and 30-31 have been canceled.

Claims 1, 9-10, 16, and 21 have been amended by applicant.

Claim Objections

Claims 1, 29 are objected to because of the following informalities: RAU is 'routing' area update not radio area update. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148
USPQ 459 (1966), that are applied for establishing a background for determining
obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating
   obviousness or nonobviousness.

Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Rukman (US application 20040185883 A1), and in view of Larikka et al. (US application
20030045311).

Regarding claims 1, 10, and 21. Rukman discloses a method for receiving a wireless
message in a mobile telecommunication system (abstract, title, fig. 1, Rukman teaches
method and system for communication of messages types SMS and MMS) comprising:
receiving a first short message service (SMS) message of a multimedia message
service (MMS) notification message at a mobile station (MS) (abstract, ¶: 11, 13, 37;
Rukman teaches multiple SMS messages comprising a MMS message to
accommodate the length of the message);
However, Rukman does not specifically discloses performing a flag setting in the MS
after receiving the first SMS message of the MMS notification message, the flag setting
to restrain routing area update (RAU) processing <u>and to allow the MS to monitor a</u>
<u>paging channel, nevertheless, Larikka et al. does teach multiple messages being</u>
<u>receive at the MS to compile the multiple SMS to make up a MMS message (¶: 36-41,</u>

<u>Larikka et al. teaches MMS being partitioned into SMS messages with indicators as to</u>

<u>indicate to MS that pending processing and transmission is incoming)</u>;

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to specifically include the MS with ability to receive and compile

several **SMS** messages into a MMS message through means of an indicator such as

phone number and/or unique address, as taught by Larikka et al. one skilled in the art

would be motivated to include an indicator to use available messaging protocols to have

continuous data connection between mobile and network in order to compile SMS

messages two or more received and made into a single message.

receiving a second SMS message of the MMS notification message at the MS (abstract,

Rukman teaches plurality of messages being sent and received at MS), wherein

performing the flag setting occurs prior to receiving the second SMS message at the MS

<u>while the flag setting restrains the RAU processing and while the MS is monitoring</u>

<u>channel</u>, the second SMS message of the MMS notification message being different

than the first SMS message of the MMS notification message (¶: 47, Rukman teaches

that second SMS is needed to for rest of characters, hence, second SMS is different

than first SMS);

However, Rukman et al. does not specifically discloses <u>releasing setting in flag setting</u>

<u>in response to receiving the second SMS message at the MS, nevertheless, Larikka et</u>

<u>al. does teach multiple messages being sent and received also the indicator of the first</u>

<u>SMS letting the MS aware of second SMS incoming message to complete MMS</u>

<u>message (¶: 36-41); Therefore, one skilled in the art would have the knowledge</u>

necessary to allow MS to update it's resources with network through base station after all messages have been received.

performing the RAU processing in response to releasing the flag setting; and

forming one MMS notification message at the MS from the received first SMS message and the received second SMS message (¶:47, Rukman teaches SMS being formed after being received).

Regarding claims 16 and 17. Rukman discloses a method for receiving a wireless message in a mobile station that receives two SMS messages constituting one MMS notification message from a wireless system (abstract, title, fig. 1, Rukman teaches method and system for communication of messages types SMS and MMS), the method comprising:

releasing a radio resource (RR) connection when a first SMS message of the one MMS notification message is received at a mobile station;

However, Rukman does not specifically discloses performing a flag setting when the RR connection is released; nevertheless, one ordinary skilled in the art would have recognized that the results of performing a flag or indicator setting would release and stop utilizing the radio resource as it is part of protocol in the art. However Rukman does not specifically discloses performing a flag setting in the MS after receiving the first SMS message of the MMS notification message, the flag setting to restrain routing area update (RAU) processing and to allow the MS to monitor a paging channel, nevertheless, Larikka et al. does teach multiple messages being receive at the MS to compile the multiple SMS to make up a MMS message (¶: 36-41, Larikka et al. teaches

MMS being partitioned into SMS messages with indicators as to indicate to MS that

pending processing and transmission is incoming);

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to specifically include the MS with ability to receive and compile

several SMS messages into a MMS message through means of an indicator such as

phone number and/or unique address, as taught by Larikka et al. one skilled in the art

would be motivated to include an indicator to use available messaging protocols to have

continuous data connection between mobile and network in order to compile SMS

messages two or more received and made into a single message.

receiving a second SMS message of the MMS notification message at the MS (abstract,

Rukman teaches plurality of messages being sent and received at MS), wherein

performing the flag setting occurs prior to receiving the second SMS message at the MS

while the flag setting restrains the RAU processing and while the MS is monitoring

channel, the second SMS message of the MMS notification message being different

than the first SMS message of the MMS notification message (¶: 47, Rukman teaches

that second SMS is needed to for rest of characters, hence, second SMS is different

than first SMS);

However, Rukman et al. does not specifically discloses releasing setting in flag setting

in response to receiving the second SMS message at the MS, nevertheless, Larikka et

al. does teach multiple messages being sent and received also the indicator of the first

SMS letting the MS aware of second SMS incoming message to complete MMS

message (¶: 36-41); Therefore, one skilled in the art would have the knowledge

necessary to allow MS to update it's resources with network through base station after all messages have been received.

performing the RAU processing in response to releasing the flag setting; and

forming one MMS notification message at the MS from the received first SMS message and the received second SMS message (¶:47, Rukman teaches SMS being formed after being received).

Consider claim 3. (Previously Presented) The method of claim 1, wherein the mobile telecommunication system comprises one of a GSM based system and a GPRS based system (¶: 4, 9. Rukman teaches GSM based systems, those systems proposed in the 3GPP, WAP, and IMPS).

Consider claim 15. (Original) The method of claim 10, wherein the network comprises a radio network based on one of a GSM and a GPRS (¶: 4, 9. Rukman teaches GSM based systems, those systems proposed in the 3GPP, WAP, and IMPS).

Consider claim 18. (Original) The method of claim 16, wherein the wireless system comprises one of a system based on a GSM and a GPRS (¶: 4, 9. Rukman teaches GSM based systems, those systems proposed in the 3GPP, WAP, and IMPS).

Consider claim 5. (Original) The method of claim 1, further comprising storing the SMS message in the MS and then informing a user of a message reception when the SMS message is not a SMS message of a MMS message (¶: 43, 44, Larikka et al. teaches memory within the device, programs, and circuitry capable of formatting and recognizing received messages).

Consider claim 6. (Previously Presented) The method of claim 1, further comprising

determining whether the SMS message is a general SMS message or a MMS
notification message based on data included in a header of the first SMS message
received at the MS (¶: 36-41, 43. Larikka et al. teaches mobile device can determine
what type of message is received and is program to carry out functions as to the nature
of the message).

Consider claim 7. (Original) The method of claim 1, wherein the flag setting comprises
a Boolean function performed in a SMS entity (¶: 43, Larikka et al. teaches identifier
within the beginning of the message to start the SyncML process and letting the mobile
station be aware of the type of message being received, it is a design choice
nevertheless and as such benefits as to being Boolean or otherwise merits the
application with a patent. one skilled in the art would have seen the benefits of using
Boolean representation as an indicator of a flag settings as to initializing communication
dedicatedly between the base station and mobile station instead of performing other
functions).

Consider claim 13. (Previously Presented) The method of claim 10, wherein the flag
setting comprises a Boolean function (¶: 43, Larikka et al. teaches identifier within the
beginning of the message to start the SyncML process and letting the mobile station be
aware of the type of message being received, it is a design choice nevertheless and as
such benefits as to being Boolean or otherwise merits the application with a patent. one
skilled in the art would have seen the benefits of using Boolean representation as an
indicator of a flag settings as to initializing communication dedicatedly between the base
station and mobile station instead of performing other functions).

Consider claim 19. (Original) The method of claim 16, wherein the flag setting comprises a Boolean function performed in a SMS entity (¶: 43, Larikka et al. teaches identifier within the beginning of the message to start the SyncML process and letting the mobile station be aware of the type of message being received, it is a design choice nevertheless and as such benefits as to being Boolean or otherwise merits the application with a patent. one skilled in the art would have seen the benefits of using Boolean representation as an indicator of a flag settings as to initializing communication dedicatedly between the base station and mobile station instead of performing other functions).

Consider claim 9. (Currently Amended) The method of claim 1, further comprising storing the one MMS notification message in the MS (¶: 36-41, 43. Larikka et al. teaches mobile device can determine what type of message is received and is program to carry out functions as to the nature of the message).

Consider claim 29. (Previously Presented) The method of claim 16, wherein routing area update (RAU) processing is prevented from being performed when the flag is set once the RAU processing is performed after receiving the flag setting (¶: 36-41, 43, Larikka et al. teaches dedicating transmission of information SMS from the base station to mobile device, hence, it is inherent that any and all other updates and protocols are render idle until termination of transmission. the fact that the mobile device is receiving information it is accompanying that the RAU would be prevented from happening to accomplish the receiving and continuous download of the SMS as it is in the references of Larikka et al.).

Consider claim 32. (Currently Amended) The method of claim 21, wherein setting the flag occurs prior to receiving the second SMS message (¶: 43, Larikka et al. teaches identifier within the beginning of the message to start the SyncML process and letting the mobile station be aware of the type of message being received, it is a design choice nevertheless and as such benefits as to being Boolean or otherwise merits the application with a patent. one skilled in the art would have seen the benefits of using Boolean representation as an indicator of a flag settings as to initializing communication dedicatedly between the base station and mobile station instead of performing other functions, hence, it happens prior of receiving any message).

Consider claim 33. (Previously Presented) The method of claim 1, further comprising dividing the MMS notification message into the first SMS message and the second SMS message prior to receiving the first SMS message at the MS (¶: 36-41, Larikka et al. teaches providing multiple short messages which are then combined by the mobile station after being receive).

Consider claim 34. The method of claim 10, further comprising dividing the MMS notification message into the first one of two SMS messages and the second one of the two SMS messages prior to receiving the first one of the two SMS messages (¶: 36-41, Larikka et al. teaches providing multiple short messages which are then combined by the mobile station after being receive).

Consider claim 35. The method of claim 16, further comprising dividing the MMS notification message into the first SMS message and the second SMS message prior to receiving the first SMS message at the mobile station (¶: 36-41, Larikka et al. teaches

providing multiple short messages which are then combined by the mobile station after
being receive)..

Consider claim 36. The method of claim 21, further comprising dividing the MMS
notification message into the first SMS message and the second SMS message prior to
receiving the first SMS message at the mobile terminal (¶: 36-41, Larikka et al. teaches
providing multiple short messages which are then combined by the mobile station after
being receive).

Consider claim 37. (Previously Presented) The method of claim 36, wherein the first
SMS message is different than the second SMS message (¶: 37, abstract, Rukman
teaches that second message is different than the first).

Consider claim 38. The method of claim 10, wherein the first one of the two SMS
messages is different than the second one of the two SMS messages (¶: 37, abstract,
Rukman teaches that second message is different than the first).

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to DIEGO HERRERA whose telephone number is
(571)272-0907. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number
for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Diego Herrera/
Examiner, Art Unit 2617

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617